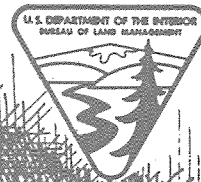


Adon Niemhuose

alaska multiple use advisory board minutes

december 9 & 10 , 1976
anchorage, alaska



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DAN E. WILLIAMS

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PROCEEDINGS
OF THE
ALASKA STATE MULTIPLE USE ADVISORY BOARD
ANCHORAGE, ALASKA

DECEMBER 9-10, 1976

Pursuant to a Notice of Meeting issued by the Alaska State Director, Bureau of Land Management, and published in the Federal Register on November 4, 1976 (Appendix I), the State Advisory Board met in the Alaska Native Claims Appeal Board Hearing Room in Anchorage, Alaska, December 9 and 10, 1976. The meeting was conducted by Chairman Charles S. Matlock, with Curtis V. McVee, BLM State Director, in attendance as the Federal Representative.

The agenda for the meeting (Appendix II) is attached.

ARLIS
Alaska Resources
Library & Information Services
Anchorage, Alaska

THURSDAY MORNING, DECEMBER 9, 1976

Board members Glenn "Al" Seeliger, Jeffry J. Cook, Earl M. Beistline, Charles S. Matlock, Alexander Sisson, Arlayne Klein, Wesley Howe, and A.W. "Bud" Boddy were present. Judith Lethin, National Advisory Board member, also was present. Absent were Richard Frank, William Hopkins, Helen Nienhueser, and Barbara Steckel.

Chairman Charles Matlock called the meeting to order, then turned the meeting over to BLM State Director Curtis V. McVee for his report on action on board recommendations from previous meetings.

Report on Prior Resolutions: Curtis V. McVee

The following summary on previous board recommendations was presented:

March 1976 meeting:

1. Increase size of District Boards to nine members.

--The new charters for the 1977 District Boards reflect this recommendation and each District Board will have nine members.

2. Support for early enactment of Organic Act.

--Organic Act signed into law October 21, 1976.

3. Encourage expeditious conveyance of land to village corporations with appropriate public input on easements.

--As of this State Board meeting, 3 1/2 million acres have been conveyed to the Village and Regional corporations. We are continuing to work out agreements with various Native corporations which would permit conveyance in spite of litigation pending on easements. The Arctic Slope Regional Corporation and Koniag both have agreements with the Secretary of the Interior permitting conveyance. We are in the process of working out similar agreements with Bristol Bay, Calista, Nana, and Ahtna corporations.

--We are continuing to process applications and easements up to publishing conveyance.

4. Endorsement of transportation corridor concept in land use plans for Alaska.

--There is language in the Organic Act which supports location of transportation utility systems within corridors.

5. Have the State Director take steps to clarify and obtain changes that will benefit the public in reference to Public Land Order 2987 reservation of energy, fuel, and natural resources transportation easements.

--The State Director, at the request of the Advisory Board, discussed the proposal with the Director of the BLM in Washington. The Director took the recommendation to the Departmental level. Despite a slight clarification on Ahtna to allow a pipeline corridor to be identified through village and land selections in Galena, Copper Center, and Gulkana for future pipelines, the order will stand.

6. Have the State Director bring to the BLM Director's attention the need to amend proposed PET 4 legislation to provide for more appropriate completion dates on environmental and developmental studies and for conducting studies in concert.

--The timing has been worked out. (Dick LeDosquet later discussed details of surface management of PET 4.)

McVee also announced that the Federal Department of Transportation had put together a planning organization for transportation planning in Alaska, the Office for the Regulation of Transportation and Planned Development. BLM has met with the organization and will be involved; the group met with the governor. Purpose of the organization, said McVee, is to integrate transportation, considering land management agencies and modes of transportation. He added that it consolidates transportation planning at the state level. Matlock asked if the organization has a staff and McVee said that now it is composed mostly of DOT staff but that funding for more staff is being requested. The organization is coordinating with the Department of the Interior through Art Kennedy, the Secretary's representative in Alaska. McVee said each federal agency is now coordinating with its state counterpart.

July 1976 meeting:

1. Board minutes should be sent to members for comment within one month of the meeting; show a record of voting on all resolutions or motions unless unanimous; and a verbatim typed or taped record, should be available for verification/clarification.

--A boiled-down version of the transcript, totaling about half of the original transcript, was sent to the Board one month and one week after the Board meeting with a request for comments with "a couple of weeks." The current minutes show a record of voting on all resolutions. A verbatim typed and taped record is available. Arlayne Klein noted that the Fortymile boat trip was not mentioned in the minutes. Sisson pointed out it was included in the itinerary accompanying the minutes.

2. Urge Interior funding of research on effects of fire on resource values.

--The State Director has submitted a program proposal that seeks to increase research on the effects on fire on resource values.

--The Fire Management Symposium held in October focused international attention on fire policy and research.

--In response to a question from Glenn "Al" Seeliger on how far the BLM proposal goes, McVee said the BLM proposal is comprehensive and includes rehabilitation after fire. Seeliger then asked if there has been research and analysis of effects of burning of vegetation on ice-rich areas. McVee replied, "Some but not enough." He cited an instance where after the Chicken burn in 1966, the Water Lab did a two-year study on fire effects on permafrost and slippage. Observations have been recorded during other studies. He noted that research must be done after a fire has gone through the area. Instruments usually can't be placed on the site during the fire. He pointed out that Forest Experiment Station personnel are interested in getting problems identified. He added that the Forest Service is the basic research arm in fire research and gets funding on a basis of the work on all public lands. A.W. "Bud" Boddy reminded the board that the subject had been touched upon at other meetings and that the Canadians have done more research information.

3. Have the State Director request Secretary of the Interior to withdraw Public Land Order 2987 and issue a fair one after public hearings.

--The State Director asked the Director of the BLM on behalf of Advisory Board to withdraw PLO 2987. The answer was no.

--Jeffrey Cook asked if the Board's request had reached the Secretary of the Interior. McVee said he didn't know, but the BLM Director, Assistant Secretary Jack Horton, and Ken Brown had given it considerable discussion. McVee said BLM had not sent in a specific request to withdraw the Secretarial Order. Cook suggested the matter had not gotten the attention he had envisioned, Matlock suggested sending a letter to the BLM Director, Alexander Sisson agreed, and Matlock suggested thinking it over and taking it up at the December 10 business meeting.

4. Increase rural representation on State Advisory Board, and to ensure continuity have a majority of State Board members selected from District Boards.

--The charter for the new State Board takes into account increased rural representation. A discussion will be held on the new charter by the State Director. The new charter will provide for continuity with members from the District Boards represented on the new State Board.

5. Thank you to Dick LeDosquet and staff for the field trip which helped the Board understand field situations by actual observation.
6. Expand YCC program to at least 60 enrollees statewide.

--Because of budget constraints, next year's YCC program will be basically the same as this year's. The BLM is considering a package for FY '79 that would include an additional camp at Glennallen with 20 enrollees.

7. Since to be effective a management plan must have support of a broad segment of the population, provide adequate funding for a public education and visitor information program--but not actively promote use of public lands until adequate management control is established.

--Bureau policy is for maximum public participation in the decision making process as it affects management plans. In land use planning, the thrust is to obtain data for resource inventories, not to promote additional use. Additional public affairs assistance with management plans can be expected. We are very cautious about literature and brochures in areas where there is little management planning.

--McVee asked LeDosquet about updating the corridor plan. LeDosquet said nothing has been published as yet on an update of the corridor plan.

--Earl M. Beistline questioned McVee about the phrase "not to promote additional resource use," suggesting that the wording limits land use planning too much. McVee responded that planning looked at full potentials and is not an effort to promote resource development; decisions are based on planning. Matlock said an agency could plan for years and never make a decision. Beistline asked about public input, which McVee said is used to validate information, gather new information, identify potentials, and help make decisions. Arlayne Klein noted that BLM's primary thrust is to get inventories; Beistline said inventories are never complete, and we still have to have some land management.

8. Re-examine BLM's method of ranking recreational values for fire priorities to give more emphasis on future recreation uses.

--The present ranking system is based upon incomplete information and rankings will change as more information becomes available.

Boddy moved that the July minutes be adopted; Cook seconded. Klein moved that a summary of the field trip be included; Sisson seconded. Boddy accepted the amendment, and the motion passed unanimously. Sisson suggested the summary be inserted as an appendix.

National Advisory Board Report: Judith Lethin and Bud Boddy

Before reporting on the National Board activities, Judith Lethin read an article concerning the Distinguished Service Award presented to Director McVee by Secretary of the Interior Kleppe. Boddy said the board wholeheartedly endorses Secretary Kleppe's action, and Beistline said the minutes should reflect the Board's unanimous acclamation of the State Director.

Klein passed out copies of the National Board recommendations. She was chairman of the ORV committee. Reviewing regulations suggested by her committee, she pointed out that ORV use is different in every area and any set of regulations can't cover all areas. The State Director can decide how tough to make regulations. ORV users are extremely concerned that they may be closed off from public lands. The National Board ORV committee was aware that the Organic Act may modify regulation procedures and that regulations must be checked against the Act.

Boddy reported on action of the National Board concerning the Organic Act. He pointed out that work on the act was difficult because it was so new. The following recommendations for implementation of the Organic Act were discussed:

- #6. Recommendation was made that inventory of public lands be done as soon as possible and funds be made available if they were not now available.
- #9. Policy, management, and legislation need to be considered. The Board resolved that the BLM should use range management funds. It stressed that it was important that the public be brought into discussion and become acquainted with sections of the Act that are new to everyone.
- #10. This recommendation emphasized the Board's concern for public information and opportunities for the public to have input. He said the board has been emphasizing this for a long time and felt it was very important to get the message out to people.

- #12. This recommendation concerned additional funding necessary to carry out the intent of the Act.
- #13. This concerned mining, the importance of setting rules and regulations, and the advisability of making it possible for people to record claims without too much red tape.
- #14. This recommendation called for rights-of-way regulations to be as uniform as possible.

Commenting on the withdrawal resolution (#11) McVee said that a number of withdrawals in process are now very stationary. The reason for the resolution is to help move pending withdrawals. Boddy said the basic concept of public land management is to retain public lands except for Alaska. Certain withdrawals and disposals to other government entities would generally be the exception he said.

Boddy, citing Jack Anderson's column on do-nothing advisory boards, said there has been criticism of citizen advisory boards, and he feels that all boards are going to be scrutinized carefully. He said that he feels that BLM boards are too important to be altered now.

Beistline said that information from the BLM is that the Organic Act is a compromise on grazing and mining claims. He asked Boddy what is being done on mining claims. Boddy cited recommendation #13, noting that implementation of simple recording procedures was called for along with instructions on how to file.

Boddy went on to say there was an opportunity during the National Board meeting for a three-hour discussion period. He said that now that we have the Organic Act and interest in public lands is increasing, it has become obvious that many people, especially those outside the West, don't understand what's involved. An information and education program is needed. Lack of public understanding of multiple-use could lead to stoppage of all uses on public lands.

The Organic Act: Curtis V. McVee

Matlock asked McVee to begin his discussion of the Organic Act. McVee said there is not much information now on how the BLM interprets each section, but interpretations are evolving. Until these interpretations are put on paper and subjected to expert legal and technical scrutiny, it is unwise to make off-the-cuff interpretations. Some decisions will be required as well as some regulations. McVee asked the Board for ideas on how to trigger public involvement. Generally, he said, regulations will be developed and go through the usual process of being issued as proposed, public reaction solicited, and rewriting or rewording before final publication.

He said a series of meetings will be held after January 1 with interest groups in various localities. There are many areas for discussion. For instance: What are areas of critical environmental concern? What criteria should be used to define these? What are priorities by geographical areas? McVee said he expects that the BLM will move slowly, especially in bush Alaska. The act provides for advisory councils that could be set up by program, i.e. the Fortymile resource area or the pipeline corridor, and dissolved when the program is completed. Another problem is the deadline on recordation of mining claims and how to record as many as 80,000 claims.

McVee went over the provisions of the Organic Act beginning with the declaration of policy. McVee said that the Act recognized that public lands will remain in federal ownership unless through planning, disposal would serve the national interest. The Act also calls for periodic inventory of public land and review of existing classifications such as we are doing now in Iliamna and on the Seward Peninsula. Congress also retains authority in certain withdrawals. Boddy said this is an important section since it solves the controversy over lands withdrawn by executive order. Asked if this means that the Secretary no longer has authority to withdraw public lands, McVee said that where the parcel exceeds 100,000 acres, Congress has the final authority over withdrawals. The Secretary can establish regulations and issue rules to protect resource values. He said this ties in with the definition of multiple use and sustained yield concept.

The Act provides that land will be disposed of at fair market value, and it also provides exchange authority. It insures that the public lands and domestic resources such as minerals, timber, and fiber will be managed. States could be compensated in lieu of taxes. McVee continued that there were no specifics later in the Act on some of the declarations as far as statutory authority.

During discussion of provision for sale of lands, Klein asked if fair market values apply to grazing and timber, and Seeliger asked how the price is established where the buyer wished to purchase 100 acres, knowing millions in diamonds lay under the surface. McVee explained that an appraisal system would be used that would include provision for the United States to retain mineral rights after selling the land surface. Beistline asked if the federal government would compensate land owners if it removed minerals from their land. Seeliger suggested that the Mining Law of 1872 would prevail. Sisson asked if oil and gas were included; Beistline suggested leaseable minerals do not apply.

Matlock said that on rights-of-way, use would be charged for or compensation paid where other governments were involved. Boddy pointed out that the discussion demonstrated why inventory is important to give the best possible knowledge of what the land contains. It is important to conduct inventory early and get funds to do it. He added that mining laws have not been changed, but many laws have been repealed by the Organic Act. He said much review is needed to see which laws now are obsolete. McVee said the Act doesn't repeal previous titles granting rights-of-way for highways.

In a discussion of definitions, McVee said that "critical environmental concern" is a new term and establishing criteria for determining these areas is important. He said there was a long definition of multiple use and public involvement which defined the public lands as BLM lands.

THURSDAY AFTERNOON, DECEMBER 9, 1976

Mr. Matlock called the meeting to order. Helen Nienhueser was present and Seeliger absent; otherwise board attendance was the same as in the morning.

Surface Management on Naval Petroleum Reserve No. 4: Richard H. LeDosquet

Richard H. LeDosquet, BLM Fairbanks District Manager, reviewed the recent history of PET 4 including the National Petroleum Reserves Production Act of April 5, 1976, which contains the provision for transfer of jurisdiction of the Reserve from the Navy to BLM on June 1, 1977. He said the Reserve includes 23 million acres and the Native communities of Barrow, Wainwright, Nuiqsut, and Atkasook. He discussed programs in which BLM has been cooperating with the Navy. Cleanup of barrels has continued through the summer and into winter, with the work to be concluded in 1979.

LeDosquet reviewed work that has been done in preparation for oil drilling: A pad was prepared at the South Harrison site and BLM was involved in movement of drilling equipment from Teshekpuk to South Harrison. Wells are to be drilled at South Harrison, Fish Creek, Atigaru, Foran, and South Simpson on frozen ground with some snow cover, with Rolligons used for transport. BLM staff members are on site whenever there is some movement. Seismic activity will pick up in January because of weather and light conditions. One BLM staff member is assigned to each of five seismic crews, a surveillance level never before maintained.

Stipulations that went into the contracts were circulated for review and BLM comments went back to the Navy for inclusion in the contracts. Two sets of hearings were held on draft regulations for surface management and the regulations now are in the Secretary's office in Washington. Staff for PET 4 is being done with funds from this year's budget. John Santora has been named project manager for PET 4, an archeologist has been hired, a fisheries biologist and natural resource specialist are being selected. Final PET 4 staff will consist of 10 permanent and 10 temporary employees.

Other agencies that are active on PET 4 include the University, OCS, and the Navy. BLM plans quarterly coordination meetings with interested groups and agencies. BLM meets every other Monday with the Navy.

LeDosquet explained that the Navy has jurisdiction in PET 4 until June 1, 1977. LeDosquet added that BLM is responsible for all surface management. McVee said that how we interface with other agencies is being worked out in a memo of understanding being drafted in Washington this week. LeDosquet said the designating of the Teshekpuk Lake and Utukok Uplands did not preclude oil and gas exploration. He said the Colville River was being studied for possible special area designation because of the peregrine falcon nesting areas there. He said that there are so many special areas, that BLM is taking the position that it is all special and will write stipulations to protect the special values.

LeDosquet said seismic lines have all had on-the-ground review by BLM before seismic crews start work so the best crossings can be identified and areas where soil disturbances may cause damage noted.

He noted the Colville River area has been identified as a special area because of the birds of prey but not yet designated. Certain stipulations will protect subsistence rights of residents, for instance; seismic explosions will not be set off within 1/4 mile of Teshekpuk Lake.

Communications is from 10 sites, by satellites that can communicate with almost any place in the world.

Matlock asked the cost for barrel removal. LeDosquet said it was about \$2 million. McVee said a question exists in our minds as to how far we should go in cleanup, and whether or not it's our responsibility.

Boddy asked if what we learned at Prudhoe Bay will be used on PET 4. LeDosquet answered that he presumed we're ahead of the game because we're required to make a land use plan and development plan. Although a crush could change the picture, he said, he hopes there will be time for orderly development and Congressional review.

McVee pointed out that a problem on PET 4 is lack of gravel for drilling pad construction. Sand is mostly used and has an advantage since it's easy to rehabilitate sand pads.

McVee reported that BLM has been given lead responsibility for land use plans to be completed by April 1979. A Task Force will advise on land use plans and interagency coordination among the Arctic Slope Borough, the Regional Corporation, and State and Federal agencies. Seven work groups will be headed by various agencies. First task will be an inventory, then a Unit Resource Analysis. All data will have to be gathered in one season and we will have another season to validate data.

In land use planning, only enough information is needed to make land use decisions, identify conflicts, and stratify options.

Matlock asked how much will it cost. McVee said the land use study will cost \$8 million.

Pipeline Utility Corridor Management: Carl Johnson

Chairman Matlock then turned the meeting over to Carl Johnson, BLM Fairbanks Assistant District Manager, for his presentation on the pipeline utility corridor management. Johnson said that his presentation was actually on status of land planning in the trans-Alaska pipeline corridor. Johnson said, of the 375 million acres of public lands in Alaska after ANCSA, BLM will retain jurisdiction over between 100 and 170 million acres. Land classification, resource allocations, and critical issues can't wait 20 years. The Organic Act gives BLM the mandate to manage public lands.

Planning for the pipeline started in 1968 with the discovery of oil at Prudhoe Bay. BLM was only informally involved until passage of the Trans-Alaska Pipeline Authorization Act.

The planning objective is statewide since the corridor spans four resource areas and two districts. Some assumptions were made:

1. The pipeline would be constructed.
2. Operation and maintenance after construction would revert to BLM.
3. BLM would retain long-term land management for the corridor.

By 1974, a public affairs plan had been formulated for the corridor, BLM had worked with other agencies on resource data, and there had been public participation on planning.

The University of Alaska's Institute of Social and Economic Research made a study on the Yukon River Crossing, including a site plan, resource data, and prediction of possible social consequences of development at the Crossing. Public comments were incorporated in the planning. Director McVee wrote to Alaska State Governor Hammond concerning whether or not the road within the corridor would be opened. Hammond said he would answer after he had named a cabinet level group to study the problems involved. BLM temporarily shelved its planning for the corridor. On August 20, 1976, BLM initiated a planning update, using a team approach to study the corridor north of Fairbanks rather than study it piecemeal by resource area.

The BLM staff traveled the road on the ground and has been gathering data for two years. The Yukon Crossing Study is due to be published this month (December 1976). It will be used as a basis for policy and decisions for development of a community at the Crossing. . .with open, limited, or closed road-use options yet to be decided upon north of the river.

Governor Hammond has announced that the haul road would be open for developers after the state takes it over, but developers will pay the costs. Johnson said that Friends of the Earth is circulating a petition to keep the road closed except for oil and gas development.

Seeliger asked, "Do I understand that BLM is going ahead on the assumption that the road will open?" Johnson answered that BLM is considering the three alternatives. McVee noted that the road is state-owned, but the State has an agreement with Alyeska to complete the road; then it becomes a state road. BLM will be involved with access roads to the haul road; we are concerned with the state road only as it affects adjacent public lands. Matlock said that if the state closes the road, rights to it may revert to BLM.

Boddy said the corridor is valuable not only for the pipeline but for other uses. McVee agreed, saying this is supported in the Organic Act. Rather than proliferate transportation, planners should confine it to corridors.

Klein said if you have the inventory and other studies complete, it seems to me it would behoove BLM to consider Step 3, implementation. Lethin asked, with the data BLM has, can't it affect the decision? Helen Nienhueser said it seems to me two options are open: either restricted public use or industrial use only. Shouldn't BLM plan on the basis of these possibilities? Johnson answered that if the road is closed, there's no problem, so the other two options are as Helen stated.

Seeliger said there ought to be an east-west corridor also. Has any consideration been given to a corridor from the Kobuk to the Canadian border? Sisson said BLM did a corridor study. McVee said the Alaska Field transportation group will be doing that kind of thing. We now have a mandate to use the corridor concept for transportation and utilities. Seeliger asked where BLM fits. McVee said the districts will be deeply involved in planning overall. The State Department of Transportation group will keep advisory boards advised. Boddy said that while the gas line route is not known, he hoped the state and the BLM recognized the need for additional transportation corridors. The d-2 land resolution will have a bearing on whether or not we're going to have transportation corridors. We must make an evaluation and program to recognize corridors in planning.

Alaska Native Claims Litigation: Jack Allen

McVee introduced Jack Allen, Regional Solicitor of the Department of the Interior Solicitor's Office in Alaska.

Mr. Allen said that about 60 lawsuits are pending in district courts here. In most of them, the government is the defendant, except for a few trespass cases. About 1/3 involve the Alaska Native Claims Settlement Act (ANCSA) and another third involve appeals.

Among the major cases is the Calista lawsuit in which the Native corporation contends that Interior took too much land for easements. Another suit was brought by the Public Easement Defense Fund, contending that Interior's easement guidelines are not broad enough. The broad coast-line easement and linear easements along waterways are involved. Because of these suits, Interior has had to hold back on conveyances. The lawsuits are proceeding slowly, Allen said. One is the Washington and one here, and the two judges may differ in their opinions. The Solicitor's Office is trying to get the Washington case moved to Alaska. It may take a year to get the decision.

The Department is now attempting to make agreements with regional and village corporations so they will relinquish easements, depending on the court's decisions. Two agreements have been completed; four more are being discussed.

Eleven Native villages are appealing an Alaska Native Claims Appeal Board decision that they were not eligible for land selections. Until a final decision is made, we won't know how much land all the villages and regions are entitled to.

One lawsuit has been decided against Interior. The issue in the case of Doyon, Inc. vs. Kleppe was, Are Natives residing in former reserves to be counted in Regional populations if they have relinquished money rights? Interior has appealed the decision.

Another decision was made in the case in which the Arctic Slope Regional Corporation sued over control of gravel sources. Under ANCSA, when a village selects land, conveyance includes surface only, with the subsurface values going to the regional corporations on a formula basis. The Native suit contended that even though sand and gravel are subsurface resources, extraction destroys the surface so the villages should share in the resources. The decision was unusual in that the judge bought both arguments. He ruled that where conveyance severed the surface and subsurface estates, sand and gravel remains parts of the surface estate and where land went to the regional corporation, sand and gravel are to be considered subsurface and are included in conveyance to the Region.

The Sarah Pence case involves a Native allotment. The Department was overruled on its stand that hearings could not be held for Native allotment cases.

The Klawock case concerns Alaska townsite regulations. The question is whether in an area of predominantly Native population, non-Natives may occupy land there for purposes of obtaining townsites. An earlier decision said they could not, but the district court here said that the decision was incorrect and that non-Natives may occupy land to obtain a townsite.

Another case involves a homesteader who wants to cross land claimed by Natives. He cites an 1866 law, now repealed by the Organic Act, that he claims says that if enough people have been using a road across public lands a public highway has been appropriated. Questions in the case are whether the law requires action by a public body, and what right a homesteader has to get to his homestead.

Boddy said another question has arisen on Admiralty Island where the Natives of Sitka and Juneau were given the opportunity to select from lands on the Island and Angoon Natives and the Sierra Club are objecting. Allen said this is scheduled for a hearing on December 15, with argument slated on motions for summary judgment.

Alaska Native Claims: Native Overselections and Effects on State Selections:
Sue Wolf

Sue Wolf, Chief Adjudicator in BLM's Land and Minerals Operations Branch gave the next presentation, discussing Alaska Native Claims, Native overselections, and their effects on State selections. She said that in January 1969, the Secretary of the Interior withdrew Alaska public lands under Public Land Order 4582, but the State would have the right to select lands after the order expired. With the passage of ANCSA in 1971 the order expired, but ANCSA mandated a number of new withdrawals for d-1 and d-2 lands, lands for Native selection, and deficiency lands for villages and regions without sufficient land available for selection in their areas.

Natives were entitled to 40 million acres, and they have now selected 105 and 1/2 million acres. Wolf handed out a sheet of figures showing present status of land selections. She said there is a real problem of overselection, and it has tied up a lot of land until lands are released by Natives or conveyances are made. Doyon has the most overselection.

The State is in a preference right period, and those lands not selected by Natives are available exclusively for state selection for a period of 90 days. After 90 days the State is on equal footing with the regional corporations. Due to overselection there is less land available for State to select, but as land from overselections becomes available, the State will be able to use its 90-day preference right. There is no schedule set up for this.

Allen pointed out that 90-day preference rights are attached to land when a withdrawal expires. Wolf said BLM sends the State copies of rejection notifications or just advises the State that land has been relinquished.

Matlock asked if pending lawsuits would keep the State from selecting within the 90-day preference period. Wolf said they would not.

Mineral Withdrawals and Secretarial Hearings: George Schmidt

George Schmidt, Mining Engineer for BLM's Alaska State Office, said October 1, the Department's Mineral Lands Availability Task Force held the third of three hearings to:

1. Determine how much land is withdrawn from mineral development.
2. Review withdrawn policies and procedures.
3. Review or devise alternatives to the present withdrawal system.

Earlier hearings had been held in Salt Lake City and Washington, D.C.

Part of the background of these hearings is not only the decreasing area of land available for mineral search and development, but also the increasing need for a strong mineral industry to maintain the United States.

Schmidt said Jim Crawford, of Senator Steven's office, had pointed out that the world mineral situation is almost as serious as the energy situation. Superficial studies, for lack of financing, are being made by the U.S. Geological Survey and the Bureau of Mines on the d-2 lands. Crawford said the superficiality is further assured by short time frames in which to complete the work.

Schmidt said SOCAL, an oil company, presented a paper in which they pointed out that virtually the entire state is closed to oil and gas exploration, that is to leasing. They pleaded for keeping lands open for exploration until the mineral potential is known.

Schmidt said the Alaska Miners Association pointed out that most discoveries are made by individuals and developed by appropriate-sized companies, in other words, prospecting and mining are separate lines of endeavor in the industry. It was emphasized that by withdrawing lands of mineral potential, the future of domestic mineral production potential is decreased. In some areas transportation routes may be closed by d-2 withdrawals, thus effectively closing some open areas to production. After listing difficulties in dealing with government, one speaker indicated that an advocate within the government is needed, just as other resources have their advocates.

Schmidt said the Alaska Oil and Gas Association pointed out that about a million acres are under oil and gas leases, which are due to expire in two or three years, down from 33 million acres in 1963. The association recommended that the Secretary ask for nominations, in other words, that the land be treated similar to the Outer Continental Shelf.

Other pro-mineral speakers requested land management based on a multiple use concept. They pointed out the economic and social benefits of such management. Much of the present difficulty could be settled by defining reasonable requirements for surface protection.

However, Schmidt said not everyone was pro-mineral development. The Sierra Club was represented, as were other similar organizations and individuals speaking for maintaining areas in their natural state. Sierra Club spoke of withdrawals as being the only protection from wholesale appropriation by private interests. One significant figure thrown out was that it costs twice as much for a railroad to haul scrap metal as to haul ore. This tends to mitigate against recycling.

FRIDAY MORNING, DECEMBER 10, 1976

Present were Charles Matlock, Bud Boddy, Arlayne Klein, Alexander Sisson, Barbara Steckel, Earl Beistline, Jeff Cook, Glenn Seeliger, and Helen Nienhueser; and later, Wes Howe and Bill Hopkins.

Fortymile Subcommittee Report: (See appendix II)

The Subcommittee, appointed by Chairman Matlock at the July 18 meeting, was composed of Earl Beistline, chairman; Arlayne Klein; and Jeff Cook.

LeDosquet reported that two Western Interstate Council on Higher Education (WICHE) student interns had inventoried the historic sites along the Fortymile and tagged and stored the historical items found. Now the items could be returned to the river or stored in museums. They included handcrafted items, traps, hand tools, and mining tools and were removed only from sites known to have no ownership. Sisson commended the BLM for doing this task and said it was the best thing that could be done.

Helen Nienhueser asked if the Fortymile is designated a Wild and Scenic River, will that decide the question of settlement? McVee said that if it is designated a recreation river, there's a possibility of recreation cabin building. The decision of settlement in 4(b) is complex and can't be dealt with until the whole plan is laid out. Matlock said it is now withdrawn for consideration as a Wild and Scenic River.

Boddy said that the subcommittee had done an excellent job of expressing primary concerns. Seeliger suggested that the Board adopt the subcommittee report with several changes. The Board agreed to reword items 2a and 2c and combine them into one statement as follows: 2a. Consideration should be given to the options of:

1. Leaving all areas open to mining, with consideration given to the type and size of operation.
2. Leaving some segments of the river system designated as wild, scenic, and/or recreational.

Item 2d then becomes 2c.

Nienhueser suggested a rewording of Item 4, Settlement along the Fortymile River: If land becomes available for this purpose, construction of cabins should be considered. Matlock added that subheadings 1 and 2 under a would remain, as would subheading 1, 2, and 3 under b. The change was unanimously adopted, and the report was adopted as changed.

Continued Discussion on the Organic Act: Curtis V. McVee

- Section 304: Concerns service charges, reimbursement, excess payments, clarifies existing procedures.
- 306: Legalizes things already being done.
- 307: Allows the Secretary to conduct studies and experiments and accept contributions. Previously we did not have authority for research activities.
- 308: This will reduce costs. It allows us to renew certain types of contracts twice without competition.
- 309: Concerns Advisory Councils. The Secretary is to establish these with not less than 10 nor more than 15 members.

Sisson asked if the councils would advise the Secretary. McVee replied that he thought there would be delegations. We're trying to run the charter through and wait for new regulations. We assume there will be staff changes. The Act doesn't change the way the Advisory Board is established but we now have statutory authority.

Boddy said that the Act is subject to interpretation; we can't interpret what will be done at the national level. McVee said expansion and utilization of councils on an advisory basis could be done on an issue like PET 4. Klein asked if the new charter would provide for continuity? Which or how many categories will be carried over? McVee said no decision has been made, but it will be. Lethin asked if State or District Boards appointed first? McVee said State Boards would be.

McVee continued with his discussion of the sections of the Organic Act.

- Section 310: Concerns rules and regulations.
- 311: Requires a report to Congress each fiscal year beginning in 1979.
- 313: Concerns financial reports.
- 314: Recordation of mining claims and abandonment.

There's an initial filing fee and an annual filing fee, with \$10 filing fee for each notice. The local recording office is the magistrate's office for us. McVee explained further that regulations on recordation work must be in conformance with state laws. This makes it difficult. Mining regulations are to be issued today (December 10, 1976). They are the first to be issued under the Act. The different states each have different regulations, and there is a 30 to 60 day comment period. We could have a series of meetings with interested groups or ask them to write comments on the direction we should go. The Board might want to consider which approach we should take, McVee said.

Beistline said Chuck Hawley is Executive Secretary of the Alaska Miners Association, and the Association is now reviewing the BLM Organic Act. Hawley would be the person to initiate some dialogue.

McVee said Title IV mainly affects the 11 western states, with only spinoff effects in Alaska or perhaps small effects on reindeer grazing.

Title V on rights-of-ways brings everything together under one statute and clarifies authority.

- Section 503: Supports concept of corridors.
- 504: Right-of-way corridors, general provisions on right-of-way. The Secretary may require right-of-way applicant to pay costs.
- 504g: Can reduce charge or benefits to public.

- 505: Terms and conditions of rights-of-way.
- 506: Authority for suspension.
- 507: Replaces earlier authority.
- 508: Not much difference from existing right-of-way. It gives the Secretary the option of deciding whether the federal government should retain jurisdiction over right-of-way or convey the land.
- 509: A problem here is that right-of-way applications now pending have to be processed in courts. We don't have regulations, and the pending applications will have priority.

McVee said Title VI -- Designated Management Areas, has the provision for wilderness study within 15 years of the date of approval of the Act.

Nienhueser asked what effect will this have on Alaska? Beistline said it designates any 5,000-acre area as wilderness. Klein said the Act says it may be--it requires that they be inventoried and identified. Then they will be under review until Congress acts. Lethin noted that it says "shall review and inventory." It doesn't automatically designate.

Nienhueser asked what the time frame was on inventory and the management during inventory. McVee said no limits are set by the Act. Nienhueser asked does that mean the inventory could be postponed forever? Matlock said it says inventory and review within 15 years.

Beistline asked what can be done during inventory? McVee said the Act says that by regulation or other means, the Secretary can see that there is no environmental degradation. Nienhueser asked if he read inventory to include review. And does that mean you can't build across public lands? McVee said that will be true in Alaska since almost all blocks of land exceed 5,000 acres.

Sisson said the 15 years bothered him. Can you do the inventory in 15 years? Matlock said Congress can extend the period. Wes Howe said he thought the lands can be inventoried in 15 years and Sisson said it would be impossible. Matlock said it was a matter of the degree of inventory.

Nienhueser said she read more application for the Act in Alaska than in other states. Howe said for areas of critical environmental values, there's a concern that the Secretary could hold the areas in status quo until the inventory is complete. McVee said we already have the physical profiles put out by Alaska Environmental Information and Data Center and the Joint Federal-State Land Use Planning Commission. Some information is missing and will be until mines open up the land. We need a

definition of wilderness land inventory. Once identified, lands are to be "managed so as not to impair wilderness values." Until they are designated, the lands are managed under the general provisions of the Act with wilderness as one of the values.

Beistline asked what the provisions are for exploring for minerals other than the USGS exploration while inventory takes place. McVee said this is an option as most of the d-1 lands are open. Beistline: For the good of the Nation, provisions should exist to allow mining access for mineral prospecting and exploration. McVee said on the other side, where we have an area with unique natural values, mining could degrade those values before they could be inventoried.

Matlock observed that the Act doesn't do much for multiple use. Beistline said multiple use is degrading into single use, which should be the best use of the area. Nienhueser said multiple use means that all uses must be recognized. The farther north you go, the less possibility there is for multiple use. Matlock disagreed. Sisson said that at the conference in Canada recently we heard similar statements.

McVee said Title VII is the effect on existing rights; repeal of existing laws; severability. The Act really has no effect on existing rights, it won't modify ANCSA or settlement laws for 10 years. Bill Hopkins asked for comment on section 703c, concerning coal, oil, and gas deposit disposal. In reference to the status at time of disposal--where things are held in limbo by ANCSA, patents are O.K. but what will happen to applications for exploration? Matlock said he thought this section won't apply until the 10th anniversary of approval of the Act. McVee said he hadn't studied the situation but I anticipate that other laws might be developed. This is a proviso that this land can be disposed of under laws then in effect.

Richard Tindall, BLM Anchorage District Manager, said this ties in with the possibility for homesteading in Alaska. The oil and gas under the land would be retained by the United States government. McVee said this is an area we need to study more. Tindall said Section 703b may clarify the question but this is not in the book; it skips from 703a to 703c. Nienhueser asked if BLM is required to plan before it opens the land to settlement. McVee said the land goes through the planning process. If the land has agricultural potential, the BLM has the option to open it to settlement or sell it under the Organic Act.

Nienhueser asked if there is political pressure to open the land, what kind of protection is there to hold the lands until the inventory and planning process are complete? McVee said the planning process includes public review. Beistline said as a followup to Helen's question, do you anticipate doing something about homesteading soon? McVee answered that in the Fortymile area, the planning effort is well along. Determination may be made in a year or so. He thought that lands most suitable for settlement are being transferred to the Native village corporations. Klein said the homesteading concept is outdated in Alaska--staking 160 acres, proving up and clearing should be looked at very carefully. At the time homesteading was begun, it was to encourage agriculture on agricultural lands. Here many acres are devoted to unsuitable uses. It would be a constructive thing for this group to recommend that this change. Beistline said there's more interest in Alaska agriculture. The old homestead concept may be of value. And regardless of how the land was obtained, the Homestead Act was a good way to get land into private ownership.

Board Discussion

McVee provided the Board with a sheet of things to consider regarding implementation of the Organic Act in Alaska.

1. What is the criteria for determining areas of "critical environmental concern." Sec 201
2. How is the term multiple use to be defined as it relates to Alaska.
3. Land Use Planning -- possible identification of priorities.
 - a. Geographical areas and
 - b. UseSec 202
4. Sales versus settlement disposal and long term leases. Sec 203
5. How to address the delicate problem of law enforcement authority in Alaska -- its effect on communities, life styles etc. Sec 303
6. The effectiveness of the Advisory Board system. Possible recommendations on where the BLM is headed, possible implementation of Advisory councils in Alaska. Sec 309
7. Clarification and discussion on recordation of mining claims in Alaska. Sec 314

Matlock said the Board should make some good recommendations on #6. The chairman can improve the effectiveness of the Board.

1. At the beginning of the year, problem areas and areas of concern for BLM could be identified.

--This would be helpful and provide a yearly plan for operation.

2. A subcommittee of about three members could be assigned tasks to report to the Board as a whole. They could concentrate on a management area or a geographical area or on concepts that need study. They could do the research and report back.

Klein said her reaction is that priorities should be set and assignments made. Then if something else comes up, the members' time would already be committed. Matlock said the purpose is to save time of the entire Board by getting the research done before the Board discussed the issue. Cook said he thought it's a good idea. It doesn't preclude altering priorities. We haven't done planning, and we haven't done what we've planned. When we concluded the July meeting, District and State Chairmen were supposed to meet and set priorities. It didn't happen. John Burnett, Public Affairs Officer, said we tried to reach you. Cook said he got no messages. Matlock added we let it slide too long to get together. Nienhueser said Cook's point is valid. We need overlap in the Districts. The most important things are happening in the Fairbanks District, and they need statewide consideration. Cook said if you have a yearly plan, state and district plans can dovetail.

Sisson said that maybe the three chairmen could decide priorities in the State. Boddy said a procedure adopted from the National Chairman and co-chairmen. It is their responsibility to meet and develop programs around issues to be discussed at the meeting. Lethin said she feels frustrated. There's too much editorializing and not enough solid work. She liked the suggestion about setting up the agenda. Beistline moved that the state advisory committee have an appropriate prepared plan, that is subject to adjustment as other things come up, and that an agenda be prepared, for a unit such as year, by a steering committee composed of the state and district chairmen working in conjunction with appropriate BLM personnel. Motion was seconded (notes do not indicate by whom).

Seeliger called for the question. Howe and Klein opposed it, others voted for the motion, which passed. Nienhueser said the board members are concerned with the new charter and the way it's set up. A one-year term may not be long enough. We've been in existence for a year and a half. I've seen a change from polarization to willingness to listen and change motions to make them acceptable for unanimous passage. McVee said the one-year term is set by law. Burnett said members can be re-appointed for another year.

Cook moved that all recommendations and resolutions made by the board be forwarded to the Secretary of the Interior through appropriate channels. Seeliger seconded. Howe said he was not sure this motion is appropriate since the Board's function is to advise the State Director. Boddy agreed. McVee said the state advisory board advises the State Director. He has the option of accepting the recommendations or not accepting them. He may not handle them as the board envisions, but it is his option.

Matlock said he thought the motion is out of order. Cook asked what about the resolution on P.L.O. 2987? Lethin said that as a private citizen you can express your opinion in any way you like.

Cook said the function of the board is to give public input on matters affecting land management. Howe said when I'm asked to serve on any board, I consider its purpose before accepting. In accepting, I agree to abide by the rules. Cook said that if the board isn't serving the public, it might as well dissolve. We've made positive suggestions that just haven't been acted upon. Klein said she thought it important to get in the record that the 1976 board felt this way.

Matlock withdrew his decision that the motion is out of order.

Cook said maybe the best recommendation we could make on the question of the effectiveness of the advisory board system is to dissolve the board because it's not serving its purpose. Beistline said McVee may have directives that prevent him from furthering board recommendations. Sisson said he has been frustrated as Anchorage District Board chairman. There's a lack of communication between the board and the BLM. When we make a recommendation, could we ask the State Director to tell the board what happened to the recommendation? That would take the pressure off the board chairman. We need to communicate more. Cook withdrew the motion until after lunch.

FRIDAY AFTERNOON, DECEMBER 10, 1976

Board members present were Bud Boddy, Bill Hopkins, Arlayne Klein, Barbara Steckel, Alexander Sisson, Charles Matlock, Wes Howe, Earl Beistline, and Helen Nienhueser. State Director Curtis V. McVee, Judith Lethin and Jeffry Cook were also present.

Public Testimony: William Block

William Block testified on the Organic Act. He said he worked for Miranda Mineral Exploration Co., and had spent four seasons in Alaska. He said the underlying theme of the Organic Act seemed to

him to be multiple use and sustained yield, and this was contrary to the BLM concept. He said mineral exploration helps by establishing transportation routes. The Usibelli mine has helped wildlife and there's other evidence that mining doesn't harm wildlife. It creates jobs in the bush and provides both technical and nontechnical jobs for college and noncollege graduates.

Block said that BLM could invoke regulations. Hiring contractors to evaluate mineral lands is unjust, he said, because it gives the contractors data that they could otherwise use for their own personal interests. Opening the lands to private exploration would eliminate this problem. He said that in his opinion there is enough land to go around and there is not as much damage from mining as there is from transportation. He listed several questions:

1. Why does mining have to pay \$10 to file a claim?
2. Why can't the BLM go to the recorder's office and find out what claims were filed and where?

McVee answered that statutes established by Congress require that the fees be paid to the Secretary of the Interior. Land use decisions are made on the basis of records, and it is hard to get the information needed from the magistrate's records.

Klein asked Block; if you want private industry to take part in inventories, why do you object to the hiring of contractors? Block said industry wants to look at the land. It will give data to BLM after a period of time. Lethin asked if he visualized limiting the exploration by area. If it were not limited five or six companies could go over the same land. Block said that would be good. We'd get five or six views of the land. Sisson asked do you see regulations as a way to help? Block: Perhaps. Too much land is locked up; compromises could be made for the benefit of both BLM and industry.

Board Discussion

Cook said he'd like to go back to his motion. Howe disagreed and moved to table Cook's motion. Motion to table was seconded by Sisson. Voting to table were: Beistline, Boddy, Hopkins, Howe, Sisson. Voting to consider were: Cook, Klein, Steckel. Motion was tabled.

Beistline said he'd like to see a motion along the lines of Sisson's ideas before lunch. Matlock asked Sisson to restate his ideas.

Sisson said members are sometimes frustrated when they see no action taken on recommendations. Maybe this is the result of a lack of communications and the State Director may have reasons unknown to the board for not taking the recommendations to Washington. My statement was to ask that the State Director report to the board why he did not take the recommendations to Washington. Lethin said the National Board gets an update several times a year on what's happening to recommendations. Boddy said it is a status report and is extremely well received.

Howe moved that the State Director move more quickly on recommendations and report to the board. Sisson seconded the motion. Klein said reporting on the status of board resolutions should be done three or four times a year. McVee agreed to report periodically on the status of board resolutions, and the motion was withdrawn.

Nienhueser made a motion on the terms which advisory board members may serve: In order to provide continuity, the Alaska State Multiple Use Advisory Board recommends that the Alaska State Director be given authority to appoint board members for a second term. Sisson seconded; the motion carried unanimously.

Beistline spoke on clarification of mining claims, section 314 of the Organic Act, saying we should work for simplification and clarification. I recommend that McVee contact Chuck Hawley to work on clarification and to assure that the Alaska Miners Association gives its input. Boddy added that the state agency concerned with mining should be conferred with. Burnett said we're working with Washington on the Act and also doing it locally. Also, there'll be a series of meetings with the public after January 1 to present the Organic Act. Howe said it would be wise to have a public affairs plan for sections of the Organic Act since it covers so much. Even a digest would be too big. Burnett said we'll be getting some concise information from Washington and are getting it out.

Matlock asked if BLM has firm enough information to make recommendations on the pipeline corridor and the Yukon crossing. McVee asked when we get a plan finished, what do we do with it--put it on the shelf and wait for state action? Or take the plan and try to go with it in discussion with governor's office? Seeliger asked how much land the state controls in the corridor. McVee said it was just the right-of-way. Matlock had two thoughts on the subject: Since the land is transferred to the State for a specific purpose and with a defined width, if the BLM recommends another purpose, the State would have reason to bail out. Seeliger said lands off the highway are clearly under BLM control. We must have a plan and controls to reasonably make provision for the public convenience and safety.

Matlock said his concern was that BLM could be kept in indecision and not go ahead with plans. McVee said BLM is developing a contingency plan, but in a vacuum. If the choice is public use at some level, that would require Federal action for public use. If Federal funds are involved, we need two years lead time for budgeting.

Seeliger: In earlier discussion it was agreed that if the road is opened for public use there should be some restrictions. Beyond this is the inescapable question of what to do on areas cut by the road. The board can discuss these things now. Matlock asked McVee if the camp sites will be put back as close to the original condition as possible. Hopkins said this is true--camps must be phased out or sold. If there's any use of them, a permit is needed to keep them sitting. Matlock asked if sites would be left for rest stops, etc. McVee said some maintenance sites would be kept.

Hopkins asked about gravel pits; McVee said they'll all be closed out. Hopkins asked if they would be rehabilitated. McVee said not really--some can't be revegetated.

Klein said some possible questions are what criteria are used to determine areas of critical concern. (Section 201). Are they for each State to determine? Could a committee of the board draft criteria or is it done at the national level? McVee said it's done at the national level but each state will have input. We're concerned because Alaska is different enough environmentally so that concerns here would not be concerns in other states. Matlock asked McVee when he thought he would get recommendations. McVee said the Washington office is trying to identify terms that need defining by December 31.

Boddy said in regard to planning, one thing we should be concerned with is land classification. He recommended that the committee approach be used for the Yukon Crossing and that a report be given at the next meeting. McVee said something that could be done as a first cut at criteria is to establish Alaska's perspective in criteria. Matlock noted that Sisson volunteers to chair a criteria committee to establish Alaska perspective of what we feel is the proper way to put in guidelines. McVee suggested that the subcommittee send out a report to the board for response.

Matlock said he would entertain a motion to discuss resolutions. Howe moved resolutions be discussed; vote was unanimous. McVee thanked the board saying it has been interesting working with the group. He said he doesn't measure accomplishment by the resolutions, but the discussions have been helpful and the board has been an excellent sounding board. He regrets that there has been so little time. Among things we can look for in the future is more on PET 4.

Resolution No. 1: Helen Nienhueser

The Advisory Board recommends that BLM proceed into Step 3 of the Pipeline corridor MFP, beginning with implementation planning for the most likely of two alternatives for the next five years, i.e., the road open only to industrial use and toad open to general public with restrictions. Klein seconded. Resolution #1 was unanimously passed.

Resolution No. 2: Helen Nienhueser

Whereas the establishment of a new community creates costs and obligations that the State must assume, therefore, the Advisory Board recommends that the BLM refer to the State the questions of whether to encourage the development of a new community at Yukon Crossing. Steckel seconded.

Klein said she did not feel we should make recommendations until we see the study. Nienhueser said if this is the general feeling, she withdraws the motion.

Resolution No. 3: Wes Howe

It is the consensus of the Advisory Board that the North Slope haul road north of the Yukon will be open for public use within the next few years and the BLM land use plans and regulations should be formulated and implemented accordingly, but that a contingency plan for the interim highway use should be held in readiness.

Howe said that since this duplicates Resolution No. 1, he withdraws it.

Resolution No. 4: Helen Nienhueser

In order to provide continuity and allow for the development of a good working relationship, the Advisory Board recommends that where reasonable, the Director as a matter of policy reappoint board members to a second term so that a given board will have at least two years to work together. Seconded (notes do not indicate by whom). Motion passed unanimously.

Resolution No. 5: Al Seeliger

I move that the Advisory Committee recommend a study be carried out which would lead to the establishing of a transportation and communication corridor between the Seward Peninsula and the Canadian Border. Routing of such a corridor would be designed to serve potentially resource-rich areas. Boddy seconded.

Nienhueser said we don't have the information to say this corridor is needed more than another, such as a second North-South corridor. Seeliger said he just wants preliminary planning to be ready if it's needed. Boddy said he thought this is a #1 priority item. We'd be derelict in not including this in planning now going on. Sisson said he must vote against it because it narrows down to one corridor. He supported Helen Nienhueser's statement that we don't know.

For: Boddy, Seeliger, Cook, Beistline, Howe, Hopkins, Lethin, Matlock abstained. Against: Klein, Nienhueser, Steckel, Sisson. Motion passed.

Resolution No. 6: Wes Howe

Whereas homesteading in Alaska has not resulted in significant agricultural enterprise nor in desirable settlement patterns and; whereas Public Law 94-579 does not repeal the homesteading laws until October 21, 1986, resolved, the Advisory Board recommends that homesteading in Alaska be permitted only on Soil Conservation Service Soil Classes generally III or better and only if land use after patent can be limited to agricultural related uses.

Cook asked what the difference was between Resolution 6 and 7. Nienhueser said the only thing she would add to 6 is that the land be suitable for development.

Howe then withdrew his motion so that No. 7 could be considered.

Resolution No. 7: Helen Nienheuser

Whereas it is recognized that those lands in Alaska most suitable for development will be in private (including Native) and state ownership, therefore it is resolved that BLM only open any of Alaska's land under its management to homesteading after determining, through a planning and public review process, that the soils are generally class III or better and that the area is suitable for such settlement or development. Howe seconded.

Klein, Sisson and Hopkins abstained; the others voted for. Motion passed.

Resolution No. 8: Wes Howe

Whereas Section 303 of P.L. 94-579 permits that Secretary of the Interior to contract with State and local law enforcement agencies relating to public lands or their resources and;

Whereas State law enforcement agencies in Alaska have the respect of its citizens and;

Whereas a separate federal law enforcement agency might needlessly duplicate law enforcement organization;

Resolved that Advisory Board recommends that the State Director investigate the advisability of the Secretary contracting with the State of Alaska for law enforcement related to public lands and their resources.

Nienhueser asked what is BLM's position and alternatives. McVee said the alternative would be to establish our own force. The motion was passed unanimously.

Resolutions No. 9, 10 and 11: Judith Lethin

Lethin noted Resolutions 9, 10 and 11 are all part of one resolution. At the National Board discussions of the Organic Act, she felt Alaska would have to wait because it's so far away. If we got the National Board here, perhaps we could get some action here. Beistline said the idea is excellent. We should pass the intent and give the parts different emphasis.

Lethin's resolution, incorporating those submitted as 9, 10 and 11 was as follows:

Resolution by Alaska State Advisory Board to invite the National BLM Advisory Board to Alaska for its summer 1977 meeting.

Whereas: Due to Alaska's international location and tremendous energy resource reserve, it plays a very strategic and significant role in achieving national energy independence goals. Critical Alaska BLM programs which could be addressed are: Outer Continental Shelf inventory and management; Petroleum Reserve #4 surface management; management of the operation and maintenance of the Alaska Pipeline corridor; proposed gas lines to the Continental United States; and extensive coal reserves which exceed those in the Continental U.S.

Whereas: Some public lands traditionally managed by the BLM are being transferred to the State of Alaska under the Statehood Act and Native lands under the Alaska Native Claims Settlement Act, and section d-2 proposals under the ANCSA, the BLM will retain as a minimum 100 million acres even after all proposed transfers are made under the above Acts' provisions. This will be more National Resource Lands than all BLM lands in the five states of California, Arizona, Nevada, Idaho and Montana.

Whereas: Alaska's wilderness and recreational resources are among the last and greatest in the nation and Alaska lands under the BLM management are currently largely de facto wilderness and hence potentially eligible for wilderness designation under the Wilderness Act, therefore...

Be it resolved: The State Multiple Use Advisory Board invites the National Advisory Board to hold its summer 1977 meeting in Alaska to focus the Bureau's and National attention on the issues facing BLM in Alaska.

Cook moved to approve the concept and ask the chairman to appoint two members to work with Lethin on the wording, send the result to all State Board members, and present it to the National Board in February. Hopkins seconded. Motion was passed unanimously.

Matlock said he'd ask Earl Beistline to serve by telephone. Steckel and Hopkins will serve with Judy. I'll also serve with Hopkins, chairman of the subcommittee. We'll get together in a week or so.

Resolution No. 12: Alexander Sisson

I move that we ask that monies be budgeted to the BLM to allow BLM to contract with Federal and State governmental agencies to more adequately inventory the mineral and natural resources of the State of Alaska. Nienheuser seconded.

Seeliger asked the reason for the motion. McVee said the option to implement would be to get a budget package to contract for inventories. There is a problem of justifying inventories on lands other than those under the BLM and there may be ways to coordinate with other jurisdictions.

Klein recommended an amendment: The Advisory Board recommends that increased monies be budgeted to the BLM to speed up inventories of minerals and other resources of lands under BLM jurisdiction, coordinating with other appropriate agencies.

Nienhueser seconded this wording as a replacement for the original motion. The board voted unanimously to pass the amended motion.

Resolution No. 13: Alexander Sisson

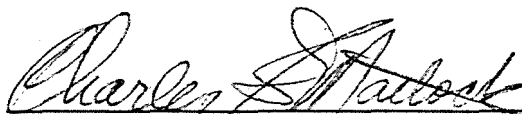
The State Advisory Board recommends that the Secretary of the Department of the Interior budget adequate monies for YCC programs in Aalska for 1978 and thereafter to expand and to provide facilities for

at least 60 enrollees at Tanacross and other locations and the program be expanded to other parts of the State.

Motion seconded (notes do not indicate by whom).

The resolution passed unanimously, and the meeting adjourned.

I certify that I attended the Alaska State Multiple Use Advisory Board meeting herein reported and that these summary proceedings are an accurate account of the matters discussed and of the conclusions reached.

A handwritten signature in cursive script, reading "Charles S. Matlock", written over a horizontal line.

Charles S. Matlock, Chairman
Alaska State Multiple Use Advisory Board

APPENDIX I

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALASKA

NOTICE OF MEETING

Notice is hereby given that the Alaska State Multiple Use Advisory Board of the Bureau of Land Management, U.S. Department of the Interior, will meet December 9 and 10, 1976, in the Alaska Native Claims Appeal Board Hearing Room, Fourth Floor, 716 West Fourth Avenue, Anchorage, from 9 a.m. to noon and 1 p.m. to 5 p.m. both days.

Items to be discussed during the meeting include the Federal Land Policy and Management Act of October 22, 1976, which gives the Bureau of Land Management a Congressional mandate for land management; the Bureau's progress on surface management in Petroleum Reserve Number Four in Alaska; the land management plan for the trans-Alaska pipeline utility corridor; the implementation of the Alaska Native Claims Settlement Act; the off-road vehicle regulations, a review of new state and district advisory council charters, and other matters. Time will be made available at 1 p.m. on December 10 for brief statements by members of the public, after which the Board will make the recommendations it deems necessary on the topics above.

The meeting is open to the public. Persons wishing to make oral statements or to submit written statements for consideration by the Board should notify the State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. Oral statements should not exceed ten minutes and must pertain to matters under Board consideration. Written copies of oral statements are requested, and anyone wishing to make an oral statement is requested to inform the State Director by close-of-business December 6. Early mailing of written statements is encouraged to ensure adequate opportunity for Board consideration.

Further information concerning the meeting is available from John Burnett, Public Affairs Officer, at the same address or by telephoning (907) 277-1561.

State Director, Alaska

APPENDIX II

Management Plan Recommendations

for

Fortymile River

A Part of the Overall Fortymile Area Management Plan

INTRODUCTION

The Bureau of Land Management is preparing an overall management plan for the Fortymile Unit. Scheduled for completion by September 30, 1976 is the complete Unit Resource Analysis (Resource Inventory phase). Twelve months hence, the management plan should be completed. The final plan will consider resource values and their recommended development interplayed with other considerations to achieve an overall plan for the unit.

In determining its specific charge, the subcommittee reviewed the July 1976 Advisory Committee's minutes, and discussed the objectives with Richard H. LeDosquet, District Manager, Fairbanks District Office, and members of his staff and coordinated its direction with Charles Matlock, President of the Advisory Committee. The consensus was reached that the most meaningful assistance would be to consider four points pertaining to the Fortymile River and not the overall Area Management Plan. These were stated in a letter from Mr. LeDosquet, dated August 19, 1976, copy enclosed, and served as an initial guide for preparing the report.

REPORT OUTLINE

1. Preservation of antiquities along the Fortymile River

What antiquities should be preserved?

All items?

Single typical "unit"?

Where should antiquities be preserved?

On site?

Remove to appropriate museum?

How should antiquities be preserved?

As is?

Refurbish?

2. Mineral resource development in the area has a good potential for the future and mining is actively being carried out on at present.

What should be the management policy pertaining to Mining?

Consider

What is the effect of mining on the river?

Pollution

Sedimentation

Discoloration

What is the effect of mining on fish?

What is the effect of mining on wildlife?

Compatibility with wild river management?

Effects of mining facilities on the river?

Roads

Power lines

Fuel lines

Airfields

Off-highway vehicles

Other

Recreational miners

Permit required?

Size of operation

Facilities of personnel

3. Recreational use of the river.

Statistics to determine:

Type of recreation?

How many people use the river during what periods?

Determine the recreational carrying capacity of the river

How should recreation be regulated?

People rationing?

Permit system?

Need for facilities?

Launching sites

River camp sites

Other

Fire management policy

Extinguish fires?

Allow fires to burn?

4. Settlement along the river.

Policy for :

New cabin construction

On mining claims

Off mining claims

People occupying old cabins

Temporary

Permanent

Cabin and facilities provided for "rent" by BLM?

Essential to a management plan is having the best possible resource inventory along the river.

Timber

Mineral

Recreation

Wildlife

Fish



United States Department of the Interior

1608(210)

BUREAU OF LAND MANAGEMENT
Fairbanks District Office
P.O. Box 1150
Fairbanks, Alaska 99706

August 19, 1976

Mr. Earl Beistline
P.O. Box 80184
College, AK 99707

Dear Earl:

After our chat the other day, Carl Jeglum and I discussed the matter further, and came to the conclusion that to make recommendations for the entire 18 million acre Fortymile Planning Unit is too much to ask of you and your committee. We feel it would be better to focus in on just one of the key facets of the Planning Unit: the Fortymile River. This is the heart of the unit, extending with its tributaries throughout the unit, and will be a smaller and more manageable "bite." Additionally, here we have an on-going management problem now, and recommendations made for the Fortymile River will be precedent setting for other river management systems in the future.

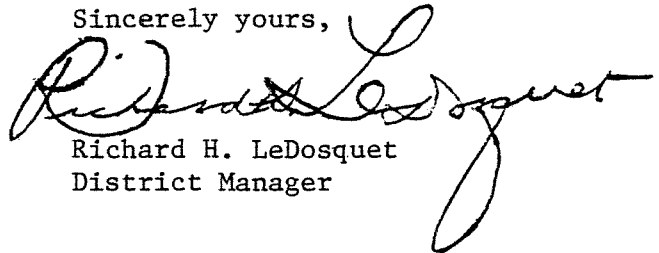
Basically, we have three immediate needs: (1) Antiquities are being lost-fast; what should we do to preserve these tangible items of Alaskan heritage (i.e., post guards, remove the museum in Eagle or University of Alaska, etc.), (2) mining in the area is on-going and will affect the river; recreational miners potentially cause stream sedimentation and in the eyes of some purists are physically not compatible with wild river management; future mining and its ancillary requirements (roads, power lines, fuel lines, airfields, etc.) will impinge on the river; how should these be faced, and (3) recreational use of the river is increasing-fast also; we need to know how many people are using the river now; what is the "carrying capacity" of the river; how should we regulate recreation needed for launching points and their facilities (privies, camp sites); what should our fire management policy be, keep fire out or let it burn? A fourth point needing consideration is how to handle settlement along the river - what should we do about new cabin construction, both off and on mining claims (where it legitimately be), or about people moving into old cabins for the purpose of residing (one week, the summer, or all year). All of these points must be considered with the full knowledge that D-2 land proposals are not "set in concrete" and need all the public input available.

To achieve this, we think basically we need a definition, or inventory, of resource values along the river (including timber, mineral, recreation, wild life, etc.). From this, we could evolve a management philosophy for the resources. We need immediately a policy on river management, since as I said, we now have river use. As you know, we are well into our planning system for the entire Fortymile Planning Unit. Even with our ambitious schedule, we will only complete the Unit Resource Analysis (resource inventory phase) by September 30, 1976; the final completion of our total Management (Framework) Plan will then take another 12 months to finish. This is the phase where

resource values and thier recommended development ar interplayed to achieve an overall plan for the unit.

With the foregoing in mind, we feel the river itself should be the starting point. We now need answers to the basic questions outlined in paragraph 2; your committee can helpimmensely in this area. I am enclosing copies of the minutes from the Advisory Board pertinent to the subject. We also have set aside for you and your committee the following: three copies of Departmental and BLM Manuals; one copy of draft EIS on Fortymile Wild and Scenic River proposal; one copy of Fortymile Minimum Personnel Contact Visitor Management one copy of Fortymile Planning Unit URA; three copies of Wild & Scenic River Act; three copies of questions and answers on Wild & Scenic Rivers in Alaska. Many thanks for your help.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Richard H. LeDosquet', written in a cursive style. The signature is positioned above the printed name and title.

Richard H. LeDosquet
District Manager

Enclosure:
Advisory Board Minutes

AGENDA

BLM STATE MULTIPLE-USE ADVISORY BOARD MEETING ALASKA NATIVE CLAIMS APPEAL BOARD HEARING ROOM

4TH FLOOR, 716 WEST FOURTH AVENUE

DECEMBER 9-10, 1976

THURSDAY, DECEMBER 9

9:00 a.m.	Opening remarks and report on prior resolutions	Curtis V. McVee, State Director
9:15 a.m.	National Advisory Board report	A. W. "Bud" Boddy and Judith Lethin
9:45 a.m.	BLM Organic Act	Curtis V. McVee, State Director
10:30 a.m.	Coffee break	
10:45 a.m.	BLM Organic Act: Board discussion	
12:00 noon	Lunch	
1:00 p.m.	Surface management on Naval Petroleum Reserve No. 4	Richard H. LeDosquet, Fairbanks District Manager
2:30 p.m.	Pipeline utility corridor management	" "
3:00 p.m.	Coffee break	
3:15 p.m.	Alaska Native Claims: Litigation	Jack Allen, Solicitor
3:45 p.m.	Alaska Native Claims: Native overselections and effects on State selections	Sue Wolf, Chief Adjudicator
4:15 p.m.	Mineral withdrawals and Secretarial hearings	George Schmidt, Mining Engineer
4:30 p.m.	Proposed advisory board charters and discussion of nominations process	Curtis V. McVee, State Director
5:00 p.m.	Adjourn	

(Continued on next page)

AGENDA CONT.
2-2-2

FRIDAY, DECEMBER 10

9:00 a.m.	Fortymile Committee report	Earl Beistline, chairman, Fortymile Committee, BLM State Advisory Board
9:30 a.m.	Board discussion	
10:30 a.m.	Coffee break	
10:45 a.m.	Board discussion	
12:00 noon	Lunch	
1:00 p.m.	Public Testimony	
3:00 p.m.	Coffee break	
3:15 p.m.	Board discussion and future business	
5:00 p.m.	Adjourn	